

REMARKS

Reconsideration and allowance are respectfully requested in view of the amendments and remarks herein. Claims 1, 11, 22, 27, 32, 43, 44, 46, and 47 have been amended. Claims 1, 3-14, 16-29, 31, 32, and 34-47 are pending.

I. Interview Summary

Applicants appreciate the Examiners' time and consideration during the telephone interview on June 28, 2006. Applicants' representatives, Carlo M. Cotrone and Jay Einerson, and Examiners Jason M. Han and Sandra O'Shea discussed embodiments of the invention and the cited prior art. It was agreed that the claims amended to recite a sidewall on the main housing and the fan positioned on the sidewall would read over the cited prior art. Applicants have made such amendments herein and respectfully submit that the claims are in condition for allowance.

II. Claim Objections

A. Claims 27, 43, 44, 46, and 47

Claims 27, 43, 44, 46, and 47 have been amended to address the informalities identified by the Examiner.

III. Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claims 1, 3, 5-10, 22-28, 31, 42, 44, 45, and 47 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 1,722,825 issued to Roethel (hereinafter "Roethel"). The Examiner rejected claims 11-14, 16-19, 21, 32, 34-38, and 40-41 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,142,227 issued to Aikens (hereinafter "Aikens"). Applicants have amended independent claims 1, 11, 22, and 32 to more precisely describe the claimed embodiments.

A. Independent Claim 1 and Dependent Claims 3, 5-10, and 42-44

Amended independent claim 1 specifies, among other things, “a main housing having a sidewall and ...a fan positioned on the sidewall.”

Roethel discloses a roof ventilator for an automobile. The roof ventilator includes a main housing 4 and a fan 28 positioned in the main housing 4. A wall 12 of the main housing 4 is positioned next to an automobile roof 2. *Roethel*, Figure 1. There is no fan positioned in the wall 12 of Roethel. In fact, it is not possible to position a fan on the wall 12.

Accordingly, Roethel does not disclose “a main housing having a sidewall and ...a fan positioned on the sidewall,” as required by amended claim 1. Therefore, claim 1 and dependent claims 3, 5-10, and 42-44 are allowable. Claims 3, 5-10, and 42-44 also include additional patentable subject matter not specifically discussed herein.

B. Independent Claim 11 and Dependent Claims 12-14 and 16-21

Amended independent claim 11 specifies, among other things, “[a] method of lighting and ventilating a room using a combination lighting and ventilating apparatus, the combination lighting and ventilating apparatus having a main housing including a sidewall and a first aperture, a lamp housing, a lamp, and a fan ... wherein the fan is positioned on the sidewall.”

Aikens discloses a combination passenger reading light and air ventilator for a vehicle for long distance transportation. The device of Aikens does not include a fan, but instead is positioned in a plenum 160 which provides airflow to the device. *Aikens*, col. 6, lines 45-55, Figure 4.

Accordingly, Aikens does not disclose “[a] method of lighting and ventilating a room using a combination lighting and ventilating apparatus, the combination lighting and ventilating apparatus having a main housing including a sidewall and a first aperture, a lamp housing, a lamp, and a fan ... wherein the fan is positioned on the sidewall,” as required by amended claim 11. Therefore, claim 11 and dependent claims 12-14 and 16-21 are allowable. Claims 12-14 and 16-21 also include additional patentable subject matter not specifically discussed herein.

C. Independent Claim 22 and Dependent Claims 23-29, 31, and 45-47

Amended independent claim 22 specifies, among other things, “a main housing recessed with respect to the mounting surface and having a sidewall and a first aperture, ... a fan positioned on the sidewall to draw air from an area to be ventilated.”

As set forth above with respect to claim 1, Roethel does not disclose a fan positioned on a sidewall of a main housing. Accordingly, Roethel does not disclose “a main housing recessed with respect to the mounting surface and having a sidewall and a first aperture, ... a fan positioned on the sidewall to draw air from an area to be ventilated,” as required by amended claim 22. Therefore, claim 22 and dependent claims 23-29, 31, and 45-47 are allowable.. Claims 23-29, 31, and 45-47 also include additional patentable subject matter not specifically discussed herein.

D. Independent Claim 32 and Dependent Claims 34-41

Amended independent claim 32 specifies, among other things, “providing an illuminating and ventilating apparatus recessed within the mounting surface, the apparatus comprising a main housing including a sidewall ... and a fan positioned on the sidewall.”

As set forth above with respect to claim 11, Aikens does not disclose a fan positioned on a sidewall of a main housing. Accordingly, Aikens does not disclose “providing an illuminating and ventilating apparatus recessed within the mounting surface, the apparatus comprising a main housing including a sidewall ... and a fan positioned on the sidewall,” as required by amended claim 32. Therefore, claim 32 and dependent claims 34-41 are allowable. Claims 34-41 also include additional patentable subject matter not specifically discussed herein.

IV. Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 4, 29, 43, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Roethel. The Examiner rejected claims 20 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Aikens.

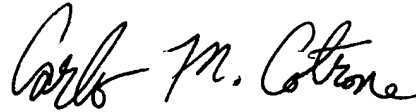
Claims 4, 20, 29, 39, 43, and 46 depend respectively from independent claims 1, 11, 22, and 32, and are therefore allowable for the reasons set forth above with respect to the

independent claims. Claims 4, 20, 29, 39, 43, and 46 also include additional patentable subject matter not specifically discussed herein.

V. Conclusion

In light of the above, Applicants respectfully request reconsideration and allowance of pending Claims 1, 3-14, 16-29, 31, 32, and 34-47. The undersigned is available for telephone consultation at any time.

Respectfully submitted,

A handwritten signature in black ink, reading "Carlo M. Cotrone". The signature is written in a cursive, flowing style.

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Docket No. 018695-9318
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